

April 7, 2003

Joseph Barnes  
SOS Telecom, Inc.  
7658 S. ML King Jr. Drive  
Chicago, IL 60619

Dear Joseph,

Enclosed is the Joint Petition for the Negotiated Resale Agreement between SOS Telecom, Inc. and SBC Illinois for signature. Our Commission also requires a notarized verification from both parties.

***Please return signed Joint Petition (page 2) and Notarized Verification to me overnight mail.***

My mailing address is:

Mary C. Velez  
SBC Illinois  
225 West Randolph, Room 27C  
Chicago, IL 60606

Any questions please feel free to call me on 312-551-9150.

Sincerely,

Enclosures

April 14, 2003

Ms. Elizabeth A. Rolando, Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62794-9280

Dear Ms. Rolando,

Enclosed please find for filing with the Commission the Joint Petition for Approval of the Negotiated Resale Agreement between SOS Telecom, Inc. and SBC Illinois.

Please acknowledge receipt by returning the extra copy of this letter.

Sincerely,

Enclosures

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

<b>ILLINOIS BELL PHONE COMPANY</b>	)	
<b>(SBC Illinois)</b>	)	
<b>and SOS Telecom, Inc.</b>	)	
	)	<b>03 - _____</b>
<b>Joint Petition for Approval of Negotiated</b>	)	
<b>Resale Agreement dated March 19, 2003,</b>	)	
<b>pursuant to 47 U.S.C. § 252</b>	)	

**JOINT PETITION FOR APPROVAL OF NEGOTIATED  
RESALE AGREEMENT BETWEEN  
SOS TELECOM, INC. AND SBC ILLINOIS**

Illinois Bell Phone Company ("SBC Illinois") and SOS Telecom, Inc. ("SOS"), through counsel, hereby request that the Commission review and approve the attached Resale Agreement dated March 19, 2003 pursuant to Sections 252(a)(1) and 252(e) of the Telecommunications Act of 1996, 47 U.S.C. §§ 252 (a)(1) and 252(e), (the "Act"). In support of their request, the parties state as follows:

1. The Agreement was arrived at through good faith negotiations between the parties as contemplated by Section 252(a) of the Act and provides for resale of telecommunications services.
2. Pursuant to Section 252(e)(2) the Commission may only reject a negotiated agreement if it finds that (1) the agreement discriminates against another carrier or (2) implementation of the Agreement would not be consistent with the public interest, convenience and necessity. Neither basis for rejection is present here.
3. As set forth in the attached Verified Statement of Eddie Reed, SBC Illinois will make the Agreement available to any other telecommunications carrier operating within its territory. Other carriers are also free to negotiate their own terms and conditions pursuant to the applicable provisions of the Act. For this reason, the Agreement is not discriminatory.
4. In accordance with Section 252(e)(4) of the Act, the Agreement will be deemed approved if the Commission does not act to approve or reject the Agreement within 90 days from the date of this submission.

5. Copies of the Agreement are available for public inspection in SBC Illinois and SOS's public offices.

WHEREFORE, SBC Illinois and SOS Telecom, Inc. respectfully request that the Commission approve the attached Resale Agreement under Section 252(e) of the Act as expeditiously as possible.

Respectfully submitted this \_\_\_\_\_ day of April, 2003

**SBC ILLINOIS**

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Mark Kerber/James Huttenhower  
SBC Illinois  
225 West Randolph Street, 25D  
Chicago, Illinois 60606  
(312) 727-7140  
Counsel

**SOS Telecom, Inc.**

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Joseph Barnes  
SOS Telecom, Inc.  
7658 S. M.L. King Jr. Drive  
Chicago, IL 60619  
(773) 968-8637  
Director/Consultant

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

<b>ILLINOIS BELL PHONE COMPANY</b>	)	
<b>(SBC Illinois)</b>	)	
<b>and SOS Telecom, Inc.</b>	)	
	)	<b>03 - _____</b>
<b>Joint Petition for Approval of Negotiated</b>	)	
<b>Resale Agreement dated March 19, 2003,</b>	)	
<b>pursuant to 47 U.S.C. § 252</b>	)	

**STATEMENT IN SUPPORT OF JOINT PETITION FOR APPROVAL**

I, Eddie Reed, am Director-Contract Management for Southwestern Bell Telephone, L.P. d/b/a Southwestern Bell Telephone Company/Illinois Bell Telephone Company Negotiations and Interconnection, and submit this Statement in Support of the Joint Petition for Approval of a Negotiated Resale Agreement between SOS Telecom, Inc. and SBC Illinois.

The attached resale agreement (the "Agreement") between Illinois Bell Telephone Company ("SBC Illinois") and SOS Telecom, Inc. ("SOS") was reached through voluntary negotiations between the parties. Accordingly, SBC Illinois and SOS Telecom, Inc. request approval pursuant to Sections 252(a)(1) and 252(e) of the Telecommunications Act of 1996 (sometimes referred to as the "Act").

In accordance with Sections 251 and 252 of the Act, the parties engaged in good faith negotiations and agreement was reached on March 19, 2003. The Agreement expires March 15, 2004 and establishes the financial and operational terms for the resale between SBC Illinois and SOS Telecom, Inc. The key provisions of the Agreement are summarized as follows:

**Description and Charges for Services**

A list of Telecommunications Services currently available for resale at the wholesale discount rates set by the Illinois Commerce Commission is set in Appendix Pricing. The resale services provided are those as set forth in Ameritech Tariff Ill C.C. No. 20, Part 22.

SBC Illinois will offer products and services to SOS Telecom, Inc. for resale pursuant to relevant decisions of the Illinois Commerce Commission.

Telecommunications Services will be offered by SBC Illinois to SOS Telecom, Inc. for resale on terms and conditions that are reasonable and nondiscriminatory.

Fraud by End User(s)

SBC Illinois will not be liable to SOS for any fraud associated with SOS End Users' accounts, including 1+ IntraLATA toll, ported numbers, and Alternate Billing Service (ABS).

The parties agree to cooperate with one another to investigate, minimize and take corrective action in cases of fraud involving 1+ IntraLATA toll calls, ABS, and ported numbers.

In cases of suspected fraudulent activity by an End User, parties will provide to one another upon request information concerning End Users who terminate services provided by the party without paying all outstanding charges.

SBC Illinois will provide notification messages to SOS on suspected occurrences of ABS-related fraud on SOS accounts stored in the applicable LIDB.

Terms and Conditions for Resale of Services (the Resale Agreement includes the following:

- Appendix Directory Assistance (DA)
- Appendix Merger Conditions
- Appendix Operator Services
- Appendix OSS-Resale
- Appendix Performance Measurements (Resale)
- Appendix Pricing

Under Sections 252(e)(1) and (2) of the Act, the Commission may reject the Agreement only if the Agreement or a portion thereof "... discriminates against a telecommunications carrier not a party to the agreement" or "... implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity". Because the Agreement is the product of voluntary negotiation, it does not have to comply with the standards set forth in Sections 251(b) and (c), thus rendering inapplicable the pricing standards set forth in Section 252(d).

The Agreement is not discriminatory. SBC Illinois will make this Agreement available to any other telecommunications carrier who request it and is operating within SBC Illinois' service territory. Other telecommunications carriers can negotiate their own arrangements pursuant to the applicable provisions of the Act.

The Agreement is the product of good faith, arms-length negotiations between competitors. Overall, the Agreement is acceptable to both parties and it shows that two competitors, negotiating in good faith under the terms of the Act, can arrive at a mutually beneficial business arrangement that overall meets their individual business interests and furthers the cause of competition in the local exchange market. This is precisely the process Congress envisioned in crafting the Act. See S. Rep. No. 23, 104th Cong., 1<sup>st</sup> Sess. at p. 19 (“The Committee intends to encourage private negotiation of interconnection agreements.”) (The Conference Committee on the Telecommunications Act of 1996 receded to the Senate on Sections 252 (a) and (b), see Joint Explanatory Statement of the Committee of Conference at p. 125).

The Agreement meets all the requirements of the Act and the Commission should approve it.

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## VERIFICATION

**Joseph Barnes**, being first duly sworn, states on oath that he is Director/Consultant for SOS Telecom, Inc. and that the facts stated in the foregoing Joint Petition for Approval of the Resale Agreement and Statement in Support are true and correct to the best of his knowledge, information and belief.

## Joseph Barnes

Subscribed and sworn

to before me this

\_\_\_\_\_ day of \_\_\_\_\_

Notary Public